

REMARKS/ARGUMENTS

Claims 1- 17 are pending. In the Office Action dated 02/04/2008, the Examiner set forth a requirement for restriction pursuant to 35 USC 121 and 372, alleging that the subject matter defined by the claims is not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner has restricted the claims into six Groups: Group I, claims 1, 2 and 15, drawn to crystalline valdecoxib Form I and its pharmaceutical composition, not required for Groups II-VII; Group II, claims 3-5, drawn to a process of preparing crystalline valdecoxib Form I, not required for Groups I and III-VII; Group III, claims 6, 7 and 16, drawn to crystalline valdecoxib Form II and its pharmaceutical composition, not required for Groups I, II and IV – VII; Group IV, claims 8 and 9, drawn to a process of preparing crystalline valdecoxib Form II, not required for Groups I-III and V-VII; Group V, claim 10, 11 and 17, drawn to crystalline valdecoxib Form III and its pharmaceutical composition, not required for Groups I-IV, VI and VII; Group VI, claims 12-14, drawn to a process of preparing crystalline valdecoxib Form III, not required for Groups I-V and VII.

PCT Rule 13.1 sets forth that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). PCT Rule 13.2 sets forth that the expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. In the instant case, the special technical feature which links the claimed inventions is the structure of the compounds, which is not taught by U.S. Patent No. 5,633,272 (Talley et al.). Since the inventions are linked

by this special technical feature they are a single inventive concept. In addition, this special technical feature defines an advance over the prior art because the claimed polymorphs are not taught in the prior art. Since these are novel polymorphs, produced in a method not taught by the prior art, the claimed compounds and methods are an advance over the prior art.

Since the special technical feature which links the inventions is a contribution over the prior art, the claims have unity of invention under PCT Rule 13.1, and thus the requirement for restriction should be withdrawn. Reconsideration of the restriction requirement is respectfully requested.

Applicant has provisionally elected **with traverse**, Group I, claims 1, 2 and 15, drawn to crystalline Valdecoxib Form I and its pharmaceutical composition, not required for Groups II-VII. Applicant believes that the foregoing is a full and complete response to the Office Action of record.

*

*

*

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.

By



Joseph F. Murphy

Registration No. 58,313
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

April 28, 2008

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.